

### **Remarks**

Claims 1, 3, and 8-35 are pending in the application. Claim 1 and 3 have been amended. Claims 4 and 5 have been canceled. Claims 10 and 25-35 have been amended to conform their dependencies to said claim cancellations. Support for the claim amendments can be found throughout the application, including the Exemplification. Importantly, no new matter has been added to the claims.

Further, the amendments to the claims should in no way be construed to be an acquiescence to any of the rejections. The amendments to the claim are being made solely to expedite the prosecution of the above-identified application. Applicant expressly reserves the option to further prosecute the same or similar claims in the instant application or subsequent patent applications entitled to the priority date of the instant application. 35 USC § 120.

### **Claim Rejections Based on 35 USC § 112¶1**

Claims 1, 3-5, and 8-35 stand rejected under 35 USC § 112¶1 based on the Examiner's contention that the claimed alkyl phosphines are not non-chelating ligands; that acetate, chloride and acetonitrile ligands are not shown for metals other than palladium; and that the phrase "one to four inclusive" is not supported in the Specification.

In order to expedite prosecution, the Applicants have amended claims 1 and 3 to conform to the Examiner's suggestions as to the wording of these claims. Namely, the Applicants have replaced "non-chelating" with "monodentate." With respect to the Examiner's contention that the text suggests that both substituted and non-substituted alkyl phosphines are chelating ligands, modifying the claim to cover "monodentate" ligands serves to resolve this issue.

In addition, the Applicants have also changed all references to "Group VIIIA metals" to "palladium." As the Examiner noted in this Office Action, the application clearly shows that all ligands discussed in these claims are supported in the Specifications.

Lastly, in support of the phrase "one to four inclusive," the Examiner is directed to page 35, 2<sup>nd</sup> paragraph, wherein the claimed ratio of ligand to catalyst complex is clearly stated to fall

preferably within a "range of about 1 to 4." This ratio of ligand to palladium is additionally supported by the examples given in the Exemplifications.

Accordingly, withdrawal of the rejections under 35 USC § 112¶1 is respectfully requested.

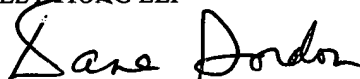
**Fees**

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, 06-1448.

**Conclusion**

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned at (617) 832-1000.

Respectfully submitted,  
FOLEY HOAG LLP



Dana M. Gordon, Ph.D.  
Registration No.: 44,719  
Attorney for Applicants

Patent Group  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210

(617) 832-1000  
(617) 832-7000 (FAX)

Date: 5/24/04